

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MOTOROLA MOBILITY LLC
Petitioner

v.

UNILOC 2017 LLC
Patent Owner

IPR Case No. IPR2020-00038
U.S. Patent No. 6,868,079

JOINT MOTION TO TERMINATE

Petitioner Motorola Mobility LLC and Patent Owner Uniloc 2017, LLC jointly request termination of this *inter partes* review (Case No. IPR2020-00038). In accordance with 37 C.F.R. § 42.20(b), the parties received authorization from the Board to file this motion on October 7, 2020. Termination of this proceeding is proper for several reasons.

First, on July 22, 2020, the Board issued its decision invalidating claim 17 of the '079 patent in IPR2019-00510. Claim 17 of the '079 patent is the only claim at issue in IPR2020-00038. The deadline for filing a notice of appeal of the Final Written Decision in IPR2019-00510 was September 23, 2020 (which is 63 days after July 22, 2020, per 37 C.F.R. § 90.3(a)(1)). Patent Owner did not file a Notice of Appeal, rendering the Board's judgement final and claim 17 invalid. On September 25, 2020, Petitioner contacted Patent Owner's counsel to inquire whether Patent Owner would join a motion to terminate this proceeding on the grounds that Patent Owner is not seeking judicial review of the Final Written Decision in IPR2019-00510. On October 2, 2020, Patent Owner informed Petitioner that it agreed to join a motion to terminate this proceeding.

Second, the Board has not yet “decided the merits of the proceeding before the request for termination is filed.” 77 Fed. Reg. 48680, 48686 (Aug. 14, 2012) (37 C.F.R. § 317(a) provides that “[a]n *inter partes* review instituted under this

chapter shall be terminated with respect to any petitioner upon the joint request of the petitioner and the patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed.”) The Board has not yet rendered its Final Written Decision in this *inter partes* review. Indeed, briefing is not yet completed in this matter and there are no outstanding motions in this proceeding. No other party’s rights will be prejudiced by the termination of this *inter partes* review. No public interest or other factors weigh against termination of this proceeding.

Third, terminating this proceeding pursuant to this Joint Motion serves the interests of all parties involved, as well as the Board, in preserving limited resources that would otherwise be expended in determining validity of an already invalidated claim of the ’079 patent. Pursuant to 37 C.F.R. §§ 42.71(a), 42.72, the Board is authorized to terminate proceedings under these circumstances. *See* 37 C.F.R. §§ 42.71(a), 42.72 (authorizing the Board to dismiss a petition).

Accordingly, both Petitioner and Patent owner jointly request that the Board terminate this proceeding. In the alternative, if the Board in its discretion denies this Motion to Terminate, the parties have conferred and reached agreement regarding modification of due dates and have stipulated in a separate filing (filed on even date herewith) the following adjustments to the schedule in the event this Motion to Terminate is denied:

	Current Date	New Agreed Date
DUE DATE 2 (Petitioner's Reply to Patent Owner's Response to Petition)	October 7, 2020	October 16, 2020
DUE DATE 3 (Patent Owner's sur-reply)	November 12, 2020	December 11, 2020

October 7, 2020

Respectfully submitted,

/s/ Martin R. Bader

Martin R. Bader (Reg. No. 54,736)
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Counsel for Petitioner

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6(e) and 42.105, the undersigned certifies that on October 7, 2020, this Joint Motion to Terminate was served via electronic service on the following counsel of record for Patent Owner:

Patent Owner's Lead and Back-up Counsel	
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